

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS OF MODULATING BONE GROWTH, BONE REMODELING AND ADIPOSITY** the specification of which  X  is attached hereto or      was filed on as Application No. , and was amended on                        (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)**

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
PCT/AU2003/001227	September 18, 2003	

Full Name of Inventor 1:	Full Name: <b>Edith Gardiner</b>		
Residence & Citizenship:	City: <del>Lindfield</del> <i>Paddington</i>	State/Foreign Country: <i>Queensland, New South Wales, Australia</i>	Country of Citizenship: <i>Australia</i>
Post Office Address:	Post Office Address: <i>74 Rockbourne Terrace, Paddington, Queensland 4064, Australia</i> <del>32 Cocupara Avenue, Lindfield, New South Wales, 2070 Australia</del>		
Full Name of Inventor 2:	Full Name: <b>Herbert Herzog</b>		
Residence & Citizenship:	City: <b>Bondi</b>	State/Foreign Country: <b>New South Wales, Australia</b>	Country of Citizenship: <b>Austria</b>
Post Office Address:	Post Office Address: <b>17/318 Bondi Road, Bondi, New South Wales, 2026 Australia</b>		
Full Name of Inventor 3:	Full Name: <b>Paul Baldock</b>		
Residence & Citizenship:	City: <b>Bondi Beach</b>	State/Foreign Country: <b>New South Wales, Australia</b>	Country of Citizenship: <b>Australia</b>
Post Office Address:	Post Office Address: <b>3/16 Fancis Street, Bondi Beach, New South Wales, 2026 Australia</b>		
Full Name of Inventor 4:	Full Name: <b>Amanda Sainsbury-Salis</b>		
Residence & Citizenship:	City: <b>Kogarah</b>	State/Foreign Country: <b>New South Wales, Australia</b>	Country of Citizenship: <b>Australia</b>
Post Office Address:	Post Office Address: <b>Unit 2, 23 Railway Street, Kogarah, New South Wales, 2217 Australia</b>		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 <i>Edith M. Gardiner</i> <b>Edith Gardiner</b>	Signature of Inventor 2 _____ <b>Herbert Herzog</b>	Signature of Inventor 3 _____ <b>Paul Baldock</b>
Date <i>24 August 2006</i>	Date	Date

Signature of Inventor 4 _____ <b>Amanda Sainsbury-Salis</b>
Date

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS OF MODULATING BONE GROWTH, BONE REMODELING AND ADIPOSITY** the specification of which   X   is attached hereto or        was filed on as Application No. , and was amended on                      (if applicable).

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**Prior Foreign Application(s)**

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

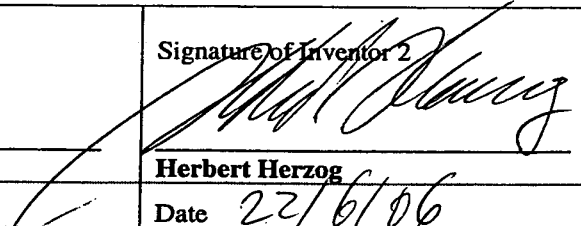
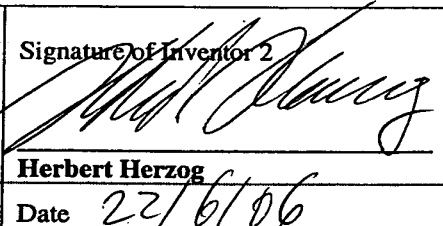
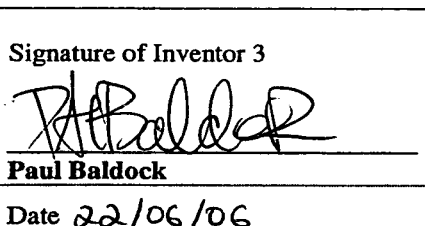
Application No.	Filing Date

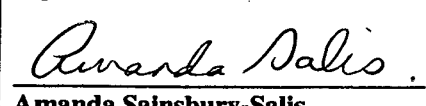
I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
PCT/AU2003/001227	September 18, 2003	

Full Name of Inventor 1:	Full Name: <del>Edith Gardiner</del>		
Residence & Citizenship:	City: <del>Lindfield</del>	State/Foreign Country: <del>New South Wales, Australia</del>	Country of Citizenship: <del>Australia</del>
Post Office Address:	Post Office Address: <del>32 Cocupara Avenue, Lindfield, New South Wales, 2070 Australia</del>		
Full Name of Inventor 2:	Full Name: <b>Herbert Herzog</b>		
Residence & Citizenship:	City: <b>Bondi</b>	State/Foreign Country: <b>New South Wales, Australia</b>	Country of Citizenship: <b>Austria</b>
Post Office Address:	Post Office Address: <b>17/318 Bondi Road, Bondi, New South Wales, 2026 Australia</b>		
Full Name of Inventor 3:	Full Name: <b>Paul Baldock</b>		
Residence & Citizenship:	City: <b>Bondi Beach</b>	State/Foreign Country: <b>New South Wales, Australia</b>	Country of Citizenship: <b>Australia</b>
Post Office Address:	Post Office Address: <b>3/16 Fancis Street, Bondi Beach, New South Wales, 2026 Australia</b>		
Full Name of Inventor 4:	Full Name: <b>Amanda Sainsbury-Salis</b>		
Residence & Citizenship:	City: <b>Kogarah</b>	State/Foreign Country: <b>New South Wales, Australia</b>	Country of Citizenship: <b>Australia</b>
Post Office Address:	Post Office Address: <b>Unit 2, 23 Railway Street, Kogarah, New South Wales, 2217 Australia</b>		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
		
<b>Edith Gardiner</b>	<b>Herbert Herzog</b>	<b>Paul Baldock</b>
Date	Date <b>22/6/06</b>	Date <b>22/06/06</b>

Signature of Inventor 4

<b>Amanda Sainsbury-Salis</b>
Date <b>22/06/06</b>

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM**

Application Number	10/572.696
Filing Date	Int'l Filing Date: September 18, 2003
First Named Inventor	Edith Gardiner
Title	METHODS OF MODULATING BONE
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	42-000400US

I hereby appoint:

☒ Practitioners associated with the Customer Number:

OR

☐ Practitioner(s) named below:


22798

PATENT TRADEMARK OFFICE

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

☒ Firm or Individual Name Quine Intellectual Property Law Group, P.C.

Address P.O. Box 458

Address

City

Alameda

State

CA

Zip

94501

Country

United States

Telephone

(510) 337-7871

Fax

(510) 337-7877

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

## **SIGNATURE of Applicant or Assignee of Record**

Name **CHRISTINA HARDY**  
 Signature *Christina Hardy*  
 Date **15 AUGUST 2006**

Telephone

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

## **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or Printed Name Deborah Berwick

Signature *Deborah Berwick*

Date

October 5, 2006

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant: Edith Gardiner, et al.

Application No.: 10/572,696

International Filing  
Date:

September 18, 2003

Entitled: METHODS OF MODULATING BONE GROWTH, BONE REMODELING AND ADIPOSITY

Garvan Institute of Medical Research

, a

corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_, Frame \_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

15/8/06  
Date

Christina Haden  
Signature

CHRISTINA HADEN  
Typed or printed name

DIRECTOR, BUSINESS DEVELOPMENT  
Title

ASSIGNMENT

BETWEEN:

The ASSIGNORS:

~~Edith GARDINER an Australian citizen, resident at 32 Cocopara Avenue, Lindfield, New South Wales, 2070, Australia;~~ *74 Rockbourne Terrace, Paddington, Queensland, 4064, Australia*

~~Herbert HERZOG an Austrian citizen, resident at 47/348 Bondi Road, Bondi, New South Wales, 2026, Australia;~~

~~Paul BALDOCK, an Australian citizen, resident at 3/16 Francis Street, Bondi Beach, New South Wales, 2026; and~~

~~Amanda SAINSBURY-SALIS, an Australian citizen, resident at Unit 2, 23 Railway Street, Kogarah, New South Wales, 2217, Australia.~~

AND

The ASSIGNEE:

Garvan Institute of Medical Research, an organization existing under the laws of Australia, located at Victoria Street, Darlinghurst, New South Wales 2010, Australia and having its address for correspondence located at C/- St Vincent's Hospital, 384 Victoria Street, Darlinghurst, New South Wales 2010, Australia

in respect of an invention as described in International Patent Application No. PCT/AU2003/001227 entitled "Methods of modulating bone growth, bone remodeling and adiposity" filed on September 18, 2003 under the provisions of the Patent Cooperation Treaty (hereinafter "The Invention").

WHEREAS:

1. Edith Gardiner, Herbert Herzog, Paul Baldock and Amanda Sainsbury-Salis are inventors in respect of The Invention;
2. The Assignee was the employer of the inventors at the time The Invention was made;
3. The ASSIGNEE is desirous of acquiring the ASSIGNORS' interests in, to and under The Invention;
4. This Assignment witnesses that, in consideration of ONE DOLLAR (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the ASSIGNORS hereby sell, assign, transfer and set over to the ASSIGNEE the exclusive rights, titles and interests to have and to hold, use, exercise and enjoy The Invention and any patent application filed in respect of The Invention and the right to claim priority from any patent application filed in respect of The Invention in accordance with any International conventions or national patent law;
5. The ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale;
6. The ASSIGNORS further covenant to promptly provide the ASSIGNEE with all pertinent facts and documents relating to The Invention as may be known and accessible to the ASSIGNORS, and will testify as to the same in any opposition, interference, or litigation related thereto, and will promptly execute and deliver to the ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain and enforce any patents in respect of The Invention which may be necessary or desirable to carry out the purposes hereof.

7. IN WITNESS WHEREOF, the parties hereto have hereunto executed this Assignment.

By the ASSIGNORS:

Edith M. Gardiner  
Signature of Edith GARDINER

Signature of Witness: Julie Jonsson  
Name of witness: Dr JULIE JONSSON  
Title: University of Queensland  
Senior Research Fellow

DATED this 24<sup>th</sup> DAY of August, 2006

\_\_\_\_\_  
Signature of Herbert HERZOG

Signature of Witness: \_\_\_\_\_  
Name of witness: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED this \_\_\_\_\_ DAY of \_\_\_\_\_, 2006

\_\_\_\_\_  
Signature of Paul BALDOCK

Signature of Witness: \_\_\_\_\_  
Name of witness: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED this \_\_\_\_\_ DAY of \_\_\_\_\_, 2006

\_\_\_\_\_  
Signature of Amanda SAINSBURY-SALIS

Signature of Witness: \_\_\_\_\_  
Name of witness: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED this \_\_\_\_\_ DAY of \_\_\_\_\_, 2006



By the ASSIGNEE:

Ch Hardy

Signature of Christina Hardy  
Director of Business Development  
Garvan Institute of Medical Research

Signature of Witness: L. Hilder

Name of witness: L. HILDER

Title: IP MANAGER

DATED this 30 DAY of AUGUST, 2006.

ASSIGNMENTBETWEEN:

## The ASSIGNORS:

~~Edith GARDINER an Australian citizen, resident at 32 Coopers Avenue,  
Lindfield, New South Wales, 2070, Australia;~~

Herbert HERZOG an Austrian citizen, resident at 17/318 Bondi Road, Bondi,  
New South Wales, 2026, Australia;

Paul BALDOCK, an Australian citizen, resident at 3/16 Francis Street, Bondi  
Beach, New South Wales, 2026; and

Amanda SAINSBURY-SALIS, an Australian citizen, resident at Unit 2, 23  
Railway Street, Kogarah, New South Wales, 2217, Australia.

AND

## The ASSIGNEE:

Garvan Institute of Medical Research, an organization existing under the  
laws of Australia, located at Victoria Street, Darlinghurst, New South Wales  
2010, Australia and having its address for correspondence located at C/- St  
Vincent's Hospital, 384 Victoria Street, Darlinghurst, New South Wales  
2010, Australia

in respect of an invention as described in International Patent Application No.  
PCT/AU2003/001227 entitled "Methods of modulating bone growth, bone remodeling and  
adiposity" filed on September 18, 2003 under the provisions of the Patent Cooperation Treaty  
(hereinafter "The Invention").

WHEREAS:

1. Edith Gardiner, Herbert Herzog, Paul Baldock and Amanda Sainsbury-Salis are  
inventors in respect of The Invention;
2. The Assignee was the employer of the inventors at the time The Invention was made;
3. The ASSIGNEE is desirous of acquiring the ASSIGNORS' interests in, to and under  
The Invention;
4. This Assignment witnesses that, in consideration of ONE DOLLAR (\$1.00) and other  
valuable consideration, the receipt of which is hereby acknowledged, the ASSIGNORS  
hereby sell, assign, transfer and set over to the ASSIGNEE the exclusive rights, titles  
and interests to have and to hold, use, exercise and enjoy The Invention and any  
patent application filed in respect of The Invention and the right to claim priority from  
any patent application filed in respect of The Invention in accordance with any  
international conventions or national patent law;
5. The ASSIGNORS hereby covenant that no assignment, sale, agreement or  
encumbrance has been or will be made or entered into which would conflict with this  
assignment and sale;
6. The ASSIGNORS further covenant to promptly provide the ASSIGNEE with all  
pertinent facts and documents relating to The Invention as may be known and  
accessible to the ASSIGNORS, and will testify as to the same in any opposition,  
interference, or litigation related thereto, and will promptly execute and deliver to the  
ASSIGNEE or its legal representative any and all papers, instruments or affidavits  
required to apply for, obtain, maintain and enforce any patents in respect of The  
Invention which may be necessary or desirable to carry out the purposes hereof.

7. IN WITNESS WHEREOF, the parties hereto have hereunto executed this Assignment.

By the ASSIGNORS:

Signature of Edith GARDINER

Signature of Witness: \_\_\_\_\_

Name of witness: \_\_\_\_\_

Title: \_\_\_\_\_

DATED this \_\_\_\_\_ DAY of \_\_\_\_\_, 2006

Signature of Herbert HERZOG

Signature of Witness: Gemma Macdonald

Name of witness: GEMMA MACDONALD

Title: P.A.

DATED this 22<sup>nd</sup> DAY of JUNE, 2006

Signature of Paul BALDOCK

Signature of Witness: Gemma Macdonald

Name of witness: GEMMA MACDONALD

Title: P.A.

DATED this 22<sup>nd</sup> DAY of June, 2006

Signature of Amanda SAINSBURY-SALIS

Signature of Witness: Gemma Macdonald

Name of witness: GEMMA MACDONALD

Title: P.A.

DATED this 22<sup>nd</sup> DAY of June, 2006

By the ASSIGNEE:

Cloudy

Signature of Christina Hardy  
Director of Business Development  
Garvan Institute of Medical Research

Signature of Witness: L. Hilde

Name of witness: L. HILDEE

Title: IP MANAGER

DATED this 15 DAY of August, 2006.